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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,532	12/28/2005	Martin Elixmann	DE 030238	6010

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HSIEH, PING Y

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,532

Applicant(s)

ELIXMANN, MARTIN

Examiner

Ping Y. Hsieh

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/28/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 6-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 6-8 are not been further treated on the merits.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshaar et al. (U.S. PATENT NO. 6,580,916) in view of Laitinen et al. (U.S. PG-PUB NO. 2002/0160805).

-Regarding claim 1, Weisshaar et al. disclose a distributed electronic system able to be networked on an ad-hoc basis (**as disclosed in fig. 1 and abstract**), having at least one device G1 able to be perceived (**local node 106 as disclosed in fig. 1 and further disclosed in col. 5 lines 54-63**) and at least one device G2 capable of perception (**user node 108 as disclosed in fig. 1 and further disclosed in col. 5 lines 18-38**), wherein G1 makes its way into the reception zone of G2 and the type of which G1 is a representative is present in G2's perception profile (**a system allow a mobile client platform to discover**

and use services that become available dynamically within the client platform's environment as disclosed in col. 10 lines 53-56 and col. 1 line 66-col. 2 line 3). However, Weisshaar et al. fail to explicitly disclose G2 emits an acoustic detection signal.

Laitinen et al. disclose a mobile terminal 100 is able to alert user by causing the mobile terminal 100 to beep as disclosed in paragraph 27.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the user node as disclosed by Weisshaar et al. to beep as disclosed by Laitinen et al. One is motivated as such in order to provide an outstanding notification for reminding the user under certain situation.

-Regarding claim 2, the combination further discloses within the transmission range, a plurality of devices able to be perceived communicate automatically with a device capable of perception via transmit/receive interfaces **(as disclosed in fig. 2 & 3 and col. 5 lines 18-38 and 58-62).**

-Regarding claim 3, the combination further discloses a device may be both able to be perceived and capable of perception simultaneously **(as disclosed in fig. 2 & 3 and col. 5 lines 18-38 and 58-62).**

-Regarding claim 4, the combination further discloses the perceiving device is part of wireless headphones **(it would be obvious for the user node 108 to wirelessly coupled to a wireless headphone in order to provide a hands free operation).**

-Regarding claim 5, the combination further discloses the perceiving device can be linked up, via the ad-hoc communications interface, to a computer application with which the perception profile and/or the audio sequences can be edited **(as disclosed in fig. 2, col. 5 lines 18-38 and col. 7 line 51-col. 8 line 25)**.

-Regarding claim 9, Weisshaar et al. disclose an appliance G2 with a receiving device, and a control device with a perception profile **(user node 108 as disclosed in fig. 1 and further disclosed in col. 5 lines 18-38)**, wherein the control device is designed for a recognition of a device type by the receiving device, said device type being laid down in the perception profile **(a system allow a mobile client platform to discover and use services that become3 available dynamically within the client platform's environment as disclosed in col. 10 lines 53-56 and col. 1 line 66-col. 2 line 3)**. However, Weisshaar et al. fail to explicitly disclose G2 emits an acoustic detection signal.

Laitinen et al. disclose a mobile terminal 100 is able to alert user by causing the mobile terminal 100 to beep as disclosed in paragraph 27.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the user node as disclosed by Weisshaar et al. to beep as disclosed by Laitinen et al. One is motivated as such in order to provide an outstanding notification for reminding the user under certain situation.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meade, II (U.S. PG-PUB NO. 2003/0073412).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Y. Hsieh whose telephone number is 571-270-3011. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana Le can be reached on 571-272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PH



02-04-08

LANA LE
PRIMARY EXAMINER